



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 00220-00

30 June 2000

MR [REDACTED]
[REDACTED]
[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 June 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by the Navy Personnel Command dated 7 and 22 March 2000, and the memorandum for the record dated 7 June 2000, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinions. Since the Board found insufficient basis to remove your failures by the Fiscal Year 99 and 00 Naval Reserve Line Lieutenant Commander Selection Boards, they had no grounds to set aside your discharge from the Naval Reserve on 1 April 2000. In view of the above, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosures



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

220-00

5730
PERS-911
07 MAR 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-OOZCB)

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS ICO
[REDACTED]

Ref: (a) BCNR memo 5420 PERS-OOZCB of 14 Feb 00
(b) Title 10, U.S. Code, Section 12465
(c) Title 10, U.S. Code, Section 14505

Encl: (1) BCNR File No. 00220-00

1. Per reference (a), enclosure (1) is returned with the recommendation that [REDACTED] petition be denied. [REDACTED] is requesting retention in the Naval Reserve past his mandatory separation date.
2. A review of [REDACTED] record reveals that he enlisted in the Naval Reserve in November 1984 and was commissioned a Naval Reserve officer in May 1988. He served on active duty from May 1988 through June 1993. Upon release from active duty, he was assigned to the Individual Ready Reserve (IRR) component of the Ready Reserve and was placed on the Reserve Active Status List (RASL). He was appropriately considered by the FY-99 and FY-00 lieutenant commander selection boards. He affiliated as a Selected Reservist in October 1999, before the release of the results of the FY-00 lieutenant commander promotion board.
3. Reference (b) requires that all members of the Ready Reserve, including IRR members, be considered by promotion selection boards, regardless of participation. The zones for promotion boards are published by ALNAV message, as are the results of the boards. Naval officers are not individually notified. It is ultimately the individual officer's responsibility to be aware of his Reserve status and eligibility for promotion, and to plan accordingly. [REDACTED] has been a member of the Ready Reserve since his commissioning and was therefore eligible for consideration by promotion boards. He

Subj: REQUEST FOR COMMENTS AND RECOMMENDATIONS IS [REDACTED]
[REDACTED] USNR, [REDACTED] 5

was correctly considered by the FY-99 and FY-00 promotion boards and failed of selection on each occasion.

4. Per reference (c), a lieutenant who has at least twice failed of selection for promotion and has completed his eight-year military service obligation must transfer to the Retired Reserve, if eligible and requested, or be discharged. Because [REDACTED] has earned only five years of qualifying service, he is not eligible for transfer to the Retired Reserve and therefore, must be honorably discharged from the Naval Reserve on 1 April 2000.

5. In spite of [REDACTED] excellent record, we are regretfully required by law to discharge him. We find no error or injustice in this case.

[REDACTED]
[REDACTED]
Captain, U.S. Naval Reserve
Director, Naval Reserve Personnel
Administration Division



220-00

DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

5420
PERS-86

NAR 22 MAR 86

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF NAVAL
RECORDS

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: REQUEST ICO [REDACTED] USNR,
[REDACTED]

Encl: (1) BCNR File 00220-00 w/Service Record

1. We are returning enclosure (1) with the recommendation that the petition be denied.
2. The petitioner has not provided any information providing a basis on which to recommend removal of the failures of select. In the event that the petitioner provides information that indicates that he was erroneously assigned to the IRR or that indicates an injustice of any other nature, we will gladly reconsider our opinion. In the absence of such information we must conclude that his transfer to the IRR was proper, and that the failure to participate in reserve programs was through no fault of the Navy Department, but entirely the choice of the petitioner.
3. Lieutenant [REDACTED] can be justifiably proud of his record and years of contributions; the negative response to his petition does not detract from his honorable service to this nation and the United States Navy.

[REDACTED]

Director, Reserve Officer
Promotions, Appointments, and
Enlisted Advancement Division

HD:hd
Docket No. 00220-00
7 June 2000

MEMORANDUM FOR THE RECORD

Subj: [REDACTED] USNR [REDACTED]

1. Lieutenant [REDACTED] called this Staff member [REDACTED] today and indicated that he has nothing further to offer and that I should take his case to the Board as is.

[REDACTED]